IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17248 OF 2005

Between:

K.Venkatram Prasad & Anr. … Petitioners

Versus

The District Collector,

Visakhapatnam district & Ors. … Respondents

Counsel for the Petitioner: Mrs. Nanda Ramchander Rau

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

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O R D E R :

This writ petition is filed seeking mandamus on the ground that the respondents are interfering with the peaceful possession of the petitioners in respect of the land admeasuring Acsw:5-05 in survey no.157/2,. Situate at Kommadi village of Visakhapatnam Rural Mandal, Viskhapatnam district as illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India.

The case of the petitioners is that their father late K.Purnachander Rao was assigned Acs:5-05 of land in survey no.157/2 of Kommadi village, through Proceedings DR.No.323/71. Since then, the family of the petitioners has been in peaceful and uninterrupted possession over the said assigned land to their father by doing agriculture and apart from raising coconut and banana plantations over several years. Further the adangal of the year 1980 goes to show that the above said land has been assigned to their father and they are paying land revenue from time to time. To the above effect, the third respondent issued certificate stating that the aforesaid extent of land was assigned to the father of the petitioners through Proceedings L.DIS.No.1715/92/HA dated 14-12-1992.

It is submitted that the latest pahani for the year 2005 also shows that the petitioners names under the columns title and possession and under the column type of cultivation, it is clearly mentioned as coconut and banana plantations. In survey nho.157/2 an extent of Acs:2-53 of land was granted to petitioner no.2 and in survey no.157/2, an extent of Acs:2-52 of land is in the name of the first petitioner as owners, as the lands are heritable and the petitioners are legal heirs of late K.Purnachander Rao, who is the original assignee.

While things stood thus, the revenue authorities in the last week of July 2005 without any reason threatened to evict the petitioners from the aforesaid extent of land. Therefore, the petitioners filed the present writ petition.

The learned Govt.Pleader for the respondents vehemently contended that the petitioner filed this writ petition with an apprehension that the respondents are

interfering with the peaceful possession and enjoyment of the petitioner over the said land, without following due process of law.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Revenue, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to interfere with the possession and enjoyment of the petitioner over the said land. However, the respondents are directed to follow due process of law if they propose to contemplate any action in respect of the land in question.

In the result, the writ petition is accordingly disposed of at the admission stage. No costs.

AUGUST 05th, 2005. ---------- ----------

I s L ELIPE DHARMA RAO , J.